

(2025) 11 OHC CK 1947
In the Orissa High Court
Case No : Writ Petition (C) No. 19711 Of 2023

Laxmipriya Routray

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

Date of Decision : 28-11-2025

Acts Referred:

Constitution Of India, 1950 — Article 32, 136, 226

Citation : (2025) 11 OHC CK 1947

Hon'ble Judges : Sashikanta Mishra, J

Bench : Single Bench

Advocate : B. Mansingh, A. Behera, S. N Patnaik

Final Decision : Dismissed

Judgement

Sashikanta Mishra, J

1. The petitioner has filed this writ application with the following prayer:-

"In the premises, aforesaid the petitioner prays that this Hon'ble Court may kindly be pleased to allow this application and after hearing the parties and quash the order of disengagement and appellant order under Annexures 1 and 6 by restoring the petitioner's service as Anganwadi worker at Haladigoroda Center Dist-Puri. And/or pass any such other order(s)/direction(s)/writ (s) as are deemed just and proper.

And for this act of kindness, the petitioner as in duty bound shall every pray."

FACTS

2. Pursuant to an advertisement issued by the CDPO, Delang the petitioner was engaged as Anganwadi Worker of Haladigoroda Centre under the Delang block of Puri district in the year 2010. While working as such, basing on certain allegations of misappropriation of food-stuff as reported by the CDPO, the petitioner was disengaged from her duties with effect from 26.05.2014 as per order passed by the Sub-Collector, Puri. The petitioner having submitted a

grievance petition before the government, the Collector, Puri was instructed to inquire into the matter. The inquiry was conducted by the CDPO, Delang and a report was submitted on 22.03.2021 whereby, the allegation of misappropriation of rice was proved. The petitioner submitted a representation to the Sub-Collector, Puri for her re-engagement purportedly on the ground that the inquiry report was in her favour. Since no action was taken, the petitioner approached this Court in WP(C) No.33787 of 2021. By order dated 12.11.2021, this Court granted liberty to the Petitioner to prefer appeal before the Appellate Authority. Accordingly, the Petitioner preferred appeal before the Collector, Puri being registered as Anganwadi Misc. Appeal Case No.3 of 2022. After considering the rival contentions and in particular, the inquiry reports submitted by the CDPO, the Collector by order dated 17.01.2022, found no reason to interfere with the order of disengagement and accordingly, the appeal was dismissed. Challenging such action, the Petitioner has filed this writ petition with the prayer as quoted above.

3. Stand of the State as reflected in the counter affidavit filed by Opposite Party Nos.3 and 4 is that the Petitioner was engaged as Anganwadi worker by order dated 08.09.2010. While working as such, the then CDPO, Delang received allegation from the villagers of Haladigoroda Anganwadi Centre on 24.05.2014 regarding illegal sale of rice meant for the Anganwadi Centre. A field inquiry was conducted by the CDPO along with Supervisor, Delang on 24.05.2014, wherein it was found that the Petitioner had misappropriated Q 51.200 of rice meant for the children of the Anganwadi Centre. The Petitioner also admitted before the CDPO and Supervisor as also the villagers that she had sold the said rice meant for the children. Accordingly, the Petitioner was asked to show cause on the same day, that is, 24.05.2014 as to why she shall not be disengaged. The matter was also reported in the newspaper on the next day. The Petitioner submitted her reply on 26.05.2014 wherein she took the plea that because of lack of space in the Anganwadi Centre she had kept the rice in her house and that the rice sold by her husband actually belonged to her family. The allegations were false. The Sub-Collector, however, did not find her explanation satisfactory and disengaged her by order dated 27.05.2014. The petitioner preferred an appeal before the Appellate Authority. After hearing the Petitioner and other authorities, the Collector, found that the Petitioner could not show any documentary evidence or proof that the seized rice belonged to her family and moreover, she had herself admitted her guilt. Accordingly, the order of the Sub-Collector was upheld by the Collector in the order dated 06.02.2015.

4. A counter-affidavit has also been filed by one Lakshmipriya Behera, Anganwadi worker of Haladigoroda Centre, inter alia, stating that after disengagement of the Petitioner, the post of Anganwadi Worker of the center was lying vacant for years together and accordingly an advertisement was issued by CDPO, Delang on 03.12.2018 inviting applications from candidates. Pursuant to said advertisement, the present Petitioner along with the private Opposite Party No. 5 and others applied. In the merit list prepared, the Petitioner secured

53.77% of marks while the private Opposite Party secured 56.83% of marks. Thus, she was selected and accordingly an engagement order was issued in her favour on 11.01.2019. Since then, Opposite Party No.5 has been continuously discharging her duty. These facts were suppressed by the Petitioner in the writ application.

5. The Petitioner in her rejoinder has sought to refute the stand taken by the Opposite Parties in the counter affidavit to the effect that the order dated 06.02.2015 subsequently passed by the Collector has no relevance with the order impugned in the present writ application as the matter was re-opened and a fresh cause of action had arisen.

6. Heard Mr. Bidyadhar Mansingh, learned counsel for the Petitioner, Mr. S. N. Patnaik, learned AGA for the State and Mr. Sanjib Mohanty, learned counsel appearing for the Private Opposite party No.5.

7. Mr. Mansingh would argue that the order of disengagement passed by the Sub-Collector under Annexure-1 is entirely without any legal basis as nothing was found in the inquiry to even remotely prove the allegation of misappropriation of anganwadi rice by the Petitioner. Moreover, the Collector did not consider the inquiry report in the proper perspective and dismissed the appeal on untenable grounds. The Petitioner never admitted her guilt as erroneously stated by the Collector in the impugned order, but had only stated that her husband had sold 100 kgs. of rice belonging to her family which cannot be treated as admission of her guilt.

8. Mr. S. N. Patnaik, learned AGA would argue that the writ application itself is not maintainable for suppression of material facts as also for the reason that the Petitioner willfully participated in the subsequent advertisement and having come out unsuccessful therein, she cannot be permitted to challenge the impugned order. On merits, Mr. S. N. Patnaik would argue that the guilt of the Petitioner is clearly proved as the inquiry team conducted the inquiry in her presence as also in presence of the villagers before whom the rice was weighed and the shortfall was noticed.

9. Mr. S. Mohanty would argue that his client was duly selected in the selection process conducted pursuant to the fresh advertisement having secured the highest marks. The Petitioner having participated but failed, cannot turn around and challenge the earlier order of disengagement which was confirmed by the Collector twice.

10. Since the question of maintainability of the writ application has been raised, it would be apt to consider the same at the outset. It is borne out from the materials on record that the Petitioner, being aggrieved by the order of disengagement dated 27.05.2014 passed by the Sub-Collector had approached the Collector being granted liberty by this Court in the earlier writ application. The Collector, by order dated 06.02.2015 did not find any reason to interfere in the matter and thus dismissed the appeal. This particular fact has not been

mentioned in the writ application at all. That apart, the fact that the post of Anganwadi worker was advertised and the Petitioner had willfully participated in the selection process has also not been disclosed in the writ application. What is impugned is the order of disengagement passed by the Sub-Collector and the subsequent order passed by the Collector on 17.01.2022 reiterating his earlier order. This clearly amounts to suppression of material facts. It is trite law that a person who does not approach the court with clean hands is not entitled to any relief whatsoever. The writ application deserves to be dismissed on this score alone. The following observations of the Supreme Court in *Ramjas Foundation v. Union of India*, (2010) 14 SCC 38 reiterating the above principle are noteworthy:-

21. The principle that a person who does not come to the court with clean hands is not entitled to be heard on the merits of his grievance and, in any case, such person is not entitled to any relief is applicable not only to the petitions filed under Articles 32, 226 and 136 of the Constitution but also to the cases instituted in others courts and judicial forums. The object underlying the principle is that every court is not only entitled but is duty bound to protect itself from unscrupulous litigants who do not have any respect for truth and who try to pollute the stream of justice by resorting to falsehood or by making misstatement or by suppressing facts which have a bearing on adjudication of the issue(s) arising in the case.”

That apart, the Petitioner also participated in the selection process pursuant to the fresh advertisement, wherein the Opposite Party No. 5 was found to have secured the highest marks and was thus selected and engaged. The Petitioner having willfully participated in the subsequent selection process and come out unsuccessful cannot obviously turn around to question the order of disengagement, which has since been confirmed by the order of the Collector in appeal. The Supreme Court in *Dhananjay Malik v. State of Uttaranchal*, (2008) 4 SCC 171, has held that a candidate who participates in a recruitment process without protest, takes a calculated chance, and is subsequently unsuccessful, is estopped from challenging the selection criteria or the process itself. The Petitioner is therefore not entitled to the relief claimed on such ground also.

11. In view of what has been stated hereinbefore, this Court does not deem it proper to examine the other contentions raised with regard to the merits of the case or to examine the correctness or otherwise of the order of disengagement as well as its confirmation in appeal by the Collector. The Petitioner not having come to the Court with clean hands and having participated in the subsequent selection process and come out unsuccessful, is not entitled to any relief.

12. For the foregoing reasons therefore, this Court finds no merit in the writ application, which is therefore, dismissed.